IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO.558 OF 2006 WITH C.A.NO.744 OF 2006

Cummins Diesel Sales & Service (India) Ltd.
..Petitioner.

Mr.S.B. Jijina with Ms. Khooshnum R. D. i/by Mulla & Mulla for the Petitioner.

Ms.Madhuri Gaikwad i/by Pankaj Kapoor for the Regional Director.

CORAM : R.S. MOHITE, J.
DATED : 1ST DECEMBER,2006.

P.C.

1. Heard Advocate for the petitioner and the Advocate for the Regional Director.

2. This Company Petition is filed by transferee company M/s. Cummins Diesel Sales & Service (India) Ltd. under Section 391 to 394 of the Companies Act, 1956. The petitioner company is a private limited company. The present petitioner seeks sanction of a scheme of amalgamation which is annexed at Exh.G to the petition. The transferor company has filed petition in Madras High Court seeking sanction of the same scheme which is still pending. On perusal of the record, I find that all the prescribed procedure has been followed.

3. The regional Director has filed his affidavit dated

29.11.2006 in which he has referred to the relevant clauses of the scheme and found that the scheme is not prejudicial to the interest of the shareholders, creditors and public. The Advocate appearing for the Regional Director states that she has no objection for allowing the petition.

4. Nobody has raised any objection to the allowing of the petition. Hence, petition is allowed in terms of prayer clause (a) and (b). The petitioner will deposit an amount of Rs.2500/- within a period of four weeks from today with the Regional Director to meet his costs.

5. Making up of a drawn up order is dispensed with. Parties to act on a copy of this order duly certified by the Company Registrar of this court. Petition stands disposed off.

(R. S. MOHITE, J.)